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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,808	04/06/2001	Magnus Karlsson	TI-32582	6865

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EXAMINER

PORTKA, GARY J

ART UNIT	PAPER NUMBER
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2188

DATE MAILED: 05/26/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,808

Applicant(s)

KARLSSON ET AL.

Examiner

Gary J Portka

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 are presented for examination.

Claim Objections

2. Claims are objected to because of the following informalities: In claim 1 at line 9 of the claim, it appears that "status" should be added after "occupancy"; the latter alone would imply identification of items in the queue, see also claims 10 and 17. In claim 5 at line 4, "associate" should probably be changed to "associated". In claim 17 at line 9, it is suggested to delete "a" after "comprising". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2-5, 10-16, and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 2, 10, and 19 each recite a remote memory comprising a dedicated queue for each of the second queues. The specification does not appear to provide support for this (shown in drawings?). Since the dedicated queues are not shown or otherwise detailed, it is not clear how Applicant intends them to be implemented. Claims 3-5 and 11-16 incorporate these limitations by dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 7, 9, 17-18, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Janoska et al., US 6,539,024 B1.

7. As to claim 1, Janoska discloses a storing module for buffering data for a network, comprising cell buffer unit with first queue and second queues storing PDUs received from a network (see col. 1 lines 7-15, Fig. 1 and col. 3 lines 19-27 and 45-53; the first queue may be considered 20, and the second queues 21-27), status indicator indicating occupancy status for first and second queues (see col. 2 lines 48-61, where depth pointer indicate occupancy for each logical queue, also col. 8 lines 25-39), and forwarding a PDU from the first queue to a high or low priority second queue in accordance with an appended PDU priority indicator (see Fig. 2, col. 4 lines 32-37, col. 5 lines 14-17; as previously cited the queues may be daisy-chained and therefore the priority applies to forwarding from first to second queues).

8. As to claim 17, Janoska additionally discloses forwarding to a remote memory when the second queues are occupied (see col. 5 line 60 to col. 6 line 21, shared portion is seen as the remote).

9. As to claims 7 and 22, Janoska discloses ATM cells (see col. 3 lines 15-19).
10. As to claim 9, Janoska discloses real-time for high priority and non-real-time for low priority (see col. 3 lines 57-61).
11. As to claim 18, Janoska discloses the recited fetching from remote to second queue (since as cited regarding claim 17, it utilizes reserved in lieu of shared).
12. As to claim 20, Janoska fetches from high priority prior to low priority queues (see col. 10 lines 6-12, and col. 11 lines 8-52).
13. As to claim 21, Janoska maps the remote PDU memory locations (see col. 5 lines 55-59 where the queues are mapped to the partition).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janoska et al., US 6,539,024 B1, in view of Miki et al., US 6,453,394 B2.
16. As to claims 6 and 8, Janoska does not disclose that the memory is single or dual port. Both of these types of memory were extremely well known in the art. As cited hereinabove, Janoska is directed to the transfer of data which may be real-time. Miki teaches that a memory for transfer of real-time data may be implemented as a dual port memory, or as two single port memories (see Miki col. 1 lines 31-39). Miki further goes on to describe a new implementation able to make use of one single port memory.

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Regardless of whether there are advantages in such an implementation, clearly an artisan would have recognized the advantages of the conventional approach mentioned as well (able to use conventional components which may be cheaper and easier to acquire and integrate). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use single or dual port memories in Janoska, because these were known to be useful for and were conventionally used in memories required to do real-time transfer of data.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent No:


6,681,270 B1 Data transfer queues using priorities.

6,401,145 B1 Network transfer mechanism with queueing priorities.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary J Portka whose telephone number is (703) 305-4033. The examiner can normally be reached on M-F 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (703) 306-2903. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary J Portka
Primary Examiner
Art Unit 2188

May 24, 2004